

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE WESTERN DISTRICT OF MISSOURI

3                   REBECCA HUNT and                                 )  
4                   SUSAN NURNBERG,                                 )  
5   )  
6   ) Case No. 99-4158-CV-C-5  
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13   )  
14   ) March 1, 2000  
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16   ) Jefferson City, Mo.  
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10   VIDEOTAPED DEPOSITION OF REBECCA HUNT-BROWER,

11   a Plaintiff, produced, sworn and examined on the 1st day of  
12   March, 2000, between the hours of 8:00 a.m. and 6:00 p.m. of  
13   that day at the law offices of the Attorney General, in the  
14   City of Jefferson, State of Missouri, before

16   TRACY L. THORPE  
17   Certified Shorthand Reporter  
18   ASSOCIATED COURT REPORTERS, INC.  
19   714 West High Street  
20   Jefferson City, Missouri 65101  
21   (573) 636-7551  
22   (573) 442-3600

24   and Notary Public within and for the State of Missouri,  
25   commissioned in Boone County, in the above-entitled cause,  
   on the part of the Defendants, pursuant to notice and  
   agreement.

1   ORIGINAL  
2   Associated Court Reporters, Inc.  
3   Jefferson City, MO (573) 636-7551

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EXHIBIT L

1 Q. Who would have supervised you there, as best  
2 as you can recollect?

3 A. She got married. I'm trying to remember her  
4 name now. Cathy Rose.

5 Q. Anybody else at Fulton Manor Care?

6 A. Chicky Taylor was the administrator.

7 Q. Chicky?

8 A. Yes, ma'am.

9 Q. Anybody else that you can remember there?

10 A. No. That would be all.

11 Q. How about at Fulton Community Care? When did  
12 you work there?

13 A. I went in per diem during a time that they  
14 were -- they had some needs. I was filling in holes. The  
15 director of nursing had, during that process, walked out.  
16 And so I was helping fill day schedules, do scheduling,  
17 assist with care plans.

18 And during the time that I was working there,  
19 there was an investigation, the Attorney General's Office  
20 was involved. And I ended up leaving because of staffing  
21 issues. There was some patient care concerns.

22 Q. Who would have supervised you there?

23 A. They had interim administrators off and on, so  
24 I -- I don't even remember names. And like I explained, the  
25 director of nursing had left.

24

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1 Q. The Presbyterian Home, where's that located?

2 A. It's in Fulton.

3 Q. And during what period did you work there?

4 A. Oh, my. Probably some in '93, maybe some in  
5 '94, '95, approximate time frame.

6 Q. And what did you do there?

7 A. I was an RN. I worked there weekends and per  
8 diem again. I filled holes for them.

9 Q. Do you recall any of your supervisors at the  
10 Presbyterian Home?

11 A. They changed several times. The administrator  
12 was fired during that time, a director of nursing was fired.  
13 I don't remember.

14 Q. Missouri Division of Medical Services, is that  
15 with the Department of Social Services or --

16 A. Yes, it is.

17 Q. And during what period did you work there  
18 doing audits?

19 A. I worked there for the summer just after I  
20 left Corrections. I don't remember the year. '97, I think.

21 Q. Who would have been your supervisor there?

22 A. Maggie Buckland.

23 Q. And when you said you were doing audits, what  
24 kinds of services were you auditing?

25 A. We audited health care -- health plans.

25

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1 Q. Health plans?

2 A. Health plans. For example, Missouri Care,

3 Health Care USA, we did the Medicaid audits --

4 Q. Okay.

5 A. -- for the State.

6 Q. So you're not auditing, like, nursing homes

7 where you're going around and auditing their billings and

8 checking care provided for them?

9 A. It was the same process, we were just doing it

10 for the health care plans.

11 Q. Okay. And why did you leave that employment?

12 A. There was more travel than what was explained

13 when I started, and I had two small ones still at home and

14 it became -- became difficult to arrange child care.

15 Q. Were you an employee or an independent

16 contractor for Missouri Division of Medical Services?

17 A. An employee, I think, because --

18 Q. Do you recall what your earnings were?

19 A. I started at approximately 32,000, I think.

20 Q. And were you receiving the typical State

21 employee benefits?

22 A. Benefit package, yes, I was.

23 Q. And how did that salary of \$32,000 with a

24 typical benefit package compare to the money that you were

25 making for Favorite Nurses when you were assigned to the

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1                   Department of Corrections?

2                   A.         When I was assigned to the Department of  
3                   Corrections, I was making \$26 an hour and I worked 30 hours  
4                   a week.

5                   Q.         How many hours a week did you say?

6                   A.         Thirty.

7                   Q.         And for Favorite Nurses, did you receive  
8                   benefits?

9                   A.         No.      No benefits.

10                  Q.         When did you work for Riverview Nursing Care?

11                  A.         I per diemed there probably 1993, '94.   I did  
12                  very few shifts for them, but it was one of them that was  
13                  included.

14                  Q.         Do you recall who would have been your  
15                  supervisor there?

16                  A.         No, I don't.

17                  Q.         Option Care, where is that located?

18                  A.         Columbia.

19                  Q.         And what do they do?

20                  A.         It's a home health agency.

21                  Q.         When did you work there?

22                  A.         During the time that I worked at the  
23                  VA Hospital.   And I did per diem while they still had their  
24                  per diem.   The reason I quit doing shifts for them was  
25                  because they stopped -- during that time they were having

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1 some cutbacks and they weren't using their per diem people.

2 Q. Who would have been your supervisor at Option  
3 Care?

4 A. It was a huge place. I don't remember.

5 Q. When did you work at Pyramid Home Health?

6 A. I worked at Pyramid after I left the VA  
7 Hospital, within the next month or so. And I worked there  
8 until they closed the office, which was just prior to my  
9 employment at Jefferson City Correctional Center.

10 Q. Who would have supervised you there?

11 A. My direct supervisor at the time was Gordon  
12 Butler.

13 Q. Any other supervisors that you recall?

14 A. None. I was the director of nursing in that  
15 position.

16 Q. And you mentioned Tri-County. What is that?

17 A. It's an affiliate of the Pyramid company.  
18 They just did different services.

19 Q. Where was it located?

20 A. I'm not sure where -- the home office, I  
21 think, was in Caruthersville. They had a small office that  
22 worked out of the Pyramid office or adjacent to it.

23 Q. You said Pyramid went out of business. Is  
24 Tri-County out of business also?

25 A. I don't know. I don't know.

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1 Q. And what period of time did you say you worked  
2 there approximately?

3 A. A year, year and a half. I had done some work  
4 prior, you know, the year before I started doing full --  
5 some, you know, 40-hour weeks. So during a per-- period of  
6 two years probably off and on.

7 Q. Can you recall any of your supervisors there?  
8 Can you recall any of your supervisors there?

9 A. With Pyramid?

10 Q. Tri-County?

11 A. I don't remember who they used. I don't  
12 remember.

13 Q. When did you begin working for the Division of  
14 Youth Services as a regional nurse?

15 A. Fall of '98.

16 Q. And what do your duties entail as a regional  
17 nurse? What's that mean?

18 A. I started as a facility nurse.

19 Q. Okay.

20 A. So since then I've been promoted. As a  
21 facility nurse, I worked within the facility. I had --  
22 there was a new facility being built and it was a 44-bed and  
23 I was -- my job was to take care of the youth that were in  
24 their care.

25 Q. Where was that facility located?

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1           A.     It started in Fulton and it moved to  
2       Montgomery City.

3           Q.     And how long did you work as a facility nurse  
4       before you were promoted to a regional nurse?

5           A.     A little over a year.

6           Q.     And what do you do as a regional nurse?  
7       What's the difference?

8           A.     I'm over all of the region. They have several  
9       facilities, not just the one facility. I oversee -- I  
10      oversee -- instead of providing all of the direct care, I  
11      have two smaller facilities that I provide direct care and  
12      the rest I oversee.

13          Q.     Okay. And where are those other facilities or  
14      what are the facilities within your region that you're  
15      responsible for?

16          A.     I'm fa-- I'm responsible for the northeast  
17      region, which would include facilities in Columbia -- two  
18      facilities in Columbia, one in Mexico, one in Fulton, one in  
19      Troy and one in Montgomery City, with another one being  
20      built in -- or started this year in Fulton.

21          Q.     Do you then supervise all the persons that are  
22      employed in those facilities?

23          A.     I don't directly supervise them. The managers  
24      are their site supervisors. I oversee -- I do the audits, I  
25      oversee the health care, but I don't have direct supervision

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1 for the nurses. I'm involved with hiring and recruiting.

2 Q. And are those facilities facilities that are  
3 owned and operated by the State or facilities that are owned  
4 and operated by some other entities that contract with the  
5 State to provide services?

6 A. These are all State facilities.

7 Q. Who are your supervisors at Division of Youth  
8 Services?

9 A. My supervisor now is Terry Finn. He's the  
10 regional administrator.

11 Q. F-i-n-n?

12 A. Yes.

13 Q. Does he work here in Jeff City?

14 A. He -- his -- our regional office is in  
15 Columbia.

16 Q. Do you know who his boss is?

17 A. Mark Stewart is the director. I assume that's  
18 his supervisor. I assume.

19 Q. And when you started as a facility nurse, what  
20 was your salary?

21 A. Approximately 30,000.

22 Q. And were you a State employee?

23 A. Yes, I was.

24 Q. So you got the typical State employee  
25 benefits?

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1 A. State package, yes.  
2 Q. And when you were promoted to regional  
3 supervisor, what -- or regional nurse, excuse me, what's  
4 your salary?  
5 A. My starting salary was approximately 32,000.  
6 Q. Has it increased?  
7 A. No. I've just been with the job two months.  
8 Q. How did you come to be hired by the Division  
9 of Youth Services?  
10 A. I was on State registers and you receive the  
11 notices when the openings come available.  
12 Q. How long have you been on registers with the  
13 Office of Administration for State vacancies?  
14 A. Off and on for a couple -- two to three years  
15 probably.  
16 Q. Besides nursing positions, have you been on  
17 any registers other than those that deal with nursing?  
18 A. Just nursing.  
19 Q. What's your current home address?  
20 A. My current address is 7680 County Road 407,  
21 Fulton, Missouri.  
22 Q. 65251?  
23 A. Yes.  
24 Q. How long have you lived at that address?  
25 A. We bought the house last summer, June, July.

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1 not common practice for them to post notices regarding  
2 persons who are to be denied access to the institution?

3 A. The only time that I saw something like this  
4 put up and posted was with a CMS employee that had quit and  
5 was making physical threats with a gun about other employees  
6 in the building. So it would have been a risk, a safety  
7 risk. That is the only time during the amount of time that  
8 I spent there that I saw anything like this posted. And  
9 there were several employees that -- you know, I wasn't the  
10 only employee that quit during that time.

11 Q. Who was the CMS employee that you note quit  
12 and there was a posting for them?

13 A. I don't remember.

14 Q. Male, female?

15 A. It was a male nurse is -- is all I know.

16 Q. Is there anything about your name and your  
17 numbers appearing overlaid your -- overlaid on your picture  
18 that bothers you or offends you?

19 A. Yes. This --

20 Q. Why?

21 A. What offends me about this is, number one,  
22 it's posted. The part about the name and the number across  
23 my chest reminds me of an inmate.

24 Q. When you gave your two week's notice to  
25 terminate your employment with Favorite Nurses and leave

1           JCCC, did you already have other employment lined up?

2           A.       I'm trying to remember. I probably did. I  
3           did, because I left -- when I left, I went to a new job  
4           afterwards.

5           Q.       What was the new job you went to immediately  
6           after leaving JCCC?

7           A.       Division of Medical Services.

8           Q.       Did you lose -- was there any period of  
9           unemployment between the date that you quit working at JCCC  
10          for Favorite Nurses and when you began working at Division  
11          of Medical Services doing auditing?

12          A.       If it was, it was a couple of days between the  
13          ending of one job and the starting of another.

14          Q.       When, in the course of your employment with  
15          Favorite Nurses while you were working at JCCC, did you  
16          first decide that you were going to look for other  
17          employment and leave? I'm assuming you made that decision  
18          before you gave your two week's notice, so --

19          A.       Yes, I did. If I recall right, probably late  
20          May.

21          Q.       Is there anything that would help refresh your  
22          recollection as to the exact date of when you may have come  
23          to that decision?

24          A.       I don't remember. It was late May is probably  
25          the best I could do.

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1           Q.       With respect to your employment at the  
2           Division of Medical Services, did you have to fill out an  
3           application or anything like that that would show when you  
4           might have started pursuing that position?

5           A.       I was -- I'd been on registers for -- for --  
6           you know, prior to starting, you know, work with  
7           Corrections, so I was on registers. So you occasionally got  
8           fliers depending on how many they sent out for that  
9           position, but you received things in the mail. And that's  
10          how I found out about the position at DMS.

11          Q.       Okay. Even though -- it's my understanding  
12          even though when they send those things out, that sometimes  
13          you still have to go fill out an application for the  
14          particular agency that you're working for --

15          A.       Not necessarily.

16          Q.       -- or some documentation?

17          A.       Not with nursing.

18          Q.       That's not your recollection in this position?

19          A.       Not that I can remember, because you fill out  
20          one when you get hire-- or when you get on the register.

21          Q.       Did you have to interview with anybody at the  
22          Division of Medical Services before you were offered that  
23          job, or did it just come by virtue of your expressing your  
24          interest in response to one of these fliers that you  
25          received?

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1 Printmaster, things that we could, you know, print forms on,  
2 brochures, things like that. But that would -- that's all,  
3 you know. If there were things on it prior to when we came,  
4 I didn't know what they were.

5 Q. In terms of the computer that you were  
6 provided access to and use of in the nursing office, were  
7 you familiar with that program and how -- you know, that  
8 equipment, or did you need any training on that equipment?

9 A. I've worked on computers before. I did  
10 newsletters at previous places, you know, where I've worked  
11 and I knew -- I wasn't a computer wiz, but I knew the basics  
12 about how to, you know, work the printer, operate the  
13 monitor, the keyboard. I knew how to do that.

14 Q. So you never had occasion to ask Mr. Seaman to  
15 help you with your computer equipment?

16 A. There might have been a time early on when we  
17 first got there that we might have asked his assistance, you  
18 know, a question, How do you load -- how do you, you know --  
19 you know, load this program? I mean, there might have been.  
20 I can't recall, but there -- there possibly could have been  
21 a time.

22 Q. And you said Mr. Perry was in your area less  
23 after you made that complaint to Ms. Ives within the first  
24 week. When you say "less," how frequently do you recall his  
25 being in your area between that complaint to Ms. Ives and

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1                   the middle of April when you formalized your complaint to  
2                   the investigator?

3                   A.         As time went on, like I explained, it was less  
4                   and less. It -- from what started as constantly at our  
5                   side, went to, you know, passing in the hall two -- two --  
6                   maybe two to three time a week perhaps. But when he was in  
7                   there, he wasn't at our side constantly while we were --  
8                   during our work shift, during our shift.

9                   Q.         After you complained to Ms. Ives about  
10                  Mr. Perry and before you filed your complaint with the  
11                  investigator in the middle of April, did Mr. Perry engage in  
12                  any kind of harassing conduct directed toward you?

13                  A.         Toward me?

14                  Q.         Yes.

15                  A.         Other than glares, not speaking, you know,  
16                  when -- you know, when you pass in the hall, that type of  
17                  thing, no.

18                  Q.         When you say "glares," are those the kind of  
19                  glares that occurred in those first two days where he's  
20                  glaring at your chest, or is this the glare that would  
21                  indicate to you he's not happy with you or doesn't like you?  
22                  Is there a distinction when you use the word "glare" there?

23                  A.         There's a distinction. When I -- when I talk  
24                  about the men looking at our chest as I'm watching -- as  
25                  I'm -- as I'm looking at this, you know, no eye contact and

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1           when a man -- any little bit of a look that you did get  
2           prior to, you know, the harassment -- letting her know about  
3           the harassment in the beginning, the kind of look was as --  
4           is -- it's as though the -- both men, not just one man, but  
5           both men were undressing you with their eyes. That's that  
6           kind of look. The glare that I described later is dislike,  
7           disdain glare and -- you know, glare. There was a  
8           difference.

9           Q.        Okay. And in those contacts with Mr. Perry  
10          after you complained to Julie Ives about him, did he ever do  
11          anything which you found to be offensive in a sexually  
12          suggestive nature?

13          A.        With Rodney Perry?

14          Q.        Yes.

15          A.        To me?

16          Q.        Yes.

17          A.        No.

18          Q.        Okay. And after you complained to Julie Ives  
19          about Rodney Perry, did you observe any incidences where  
20          Mr. Perry did anything that you thought was sexually  
21          offensive to Susan Nurnberg?

22          A.        Can we go back?

23          Q.        Sure.

24          A.        Can I go back to that? I either misunderstood  
25          or I wanted to -- what was the -- could you tell me the

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1 question again?

2 Q. Yeah.

3 A. Okay.

4 Q. After you complained to Julie Ives about  
5 Rodney Perry --

6 A. Uh-huh.

7 Q. -- did you ever observe Mr. Perry do anything  
8 that you thought was sexually offensive to Susan Nurnberg?  
9 The prior question I'd asked you in relation to yourself.

10 A. Okay.

11 Q. Now I'm asking, did you observe anything that  
12 he did to Susan Nurnberg?

13 A. Okay. And what I was trying to get back to  
14 was during what time frame?

15 Q. After you first complained to Julie Ives.

16 A. There was a period when we were holding a  
17 blood sugar clinic when Rodney -- Rodney Perry and Janice  
18 Schnazmeyer were in the visitation room where we were  
19 holding the clinic. They were holding hands at times. His  
20 hand were -- was on her buttocks, hers was on his, giggling,  
21 holding hands, that type of thing. And I found that  
22 offensive.

23 Q. Okay.

24 A. Okay.

25 Q. Is that the only instance of Mr. Perry's --

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1 A. For me.

2 Q. -- conduct?

3 What about with respect to Mr. Con--  
4 Mr. Perry's conduct and it's being directed at Ms. Nurnberg?  
5 Did you ever observe instances where you saw him engage in  
6 offensive conduct directed at Ms. Nurnberg after you  
7 complained to Julie Ives?

8 A. After we complained to Julie. Other than at  
9 times there were telephone conversations where I was in the  
10 room where, you know, it sounded like it wasn't a cordial  
11 conversation. Other than that, no.

12 Q. When you observed Mr. Perry and  
13 Ms. Schnazmeyer at the -- did you say it was blood sugar --

14 A. It was a blood sc-- blood sugar screening  
15 clinic.

16 Q. Blood sugar screening clinic, and you were  
17 offended by their carrying on between one another, did you  
18 tell either Mr. Perry or Ms. Schnazmeyer that their conduct  
19 offended you?

20 A. No. I just looked shocked. I couldn't  
21 believe I had grown adults standing in front of me in a very  
22 open, not private area. It was in a very large, open room  
23 doing this and the room had cameras in it, that type of  
24 thing. I was just surprised that they would -- that anyone  
25 would be as bold as to do that.

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1                   IN THE UNITED STATES DISTRICT COURT  
2                   WESTERN DISTRICT OF MISSOURI  
3                   CENTRAL DIVISION

4                   REBECCA HUNT, et al.,                   )  
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8    ) Case No. 99-4158-CV-C-5  
9    )  
10                   STATE OF MISSOURI, DEPARTMENT )  
11                   OF CORRECTIONS, et al.,              )  
12    ) February 3-4, 2000  
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10                   DEPOSITION OF JULIE IVES,

11                   a witness, produced, sworn and examined on the 3rd and  
12                   4th days of February, 2000, between the hours of  
13                   8:00 a.m. and 6:00 p.m. of that day at the offices of  
14                   the Attorney General, Broadway State Office Building,  
15                   7th Floor, in the City of Jefferson, County of Cole,  
16                   State of Missouri, before  
17

18                   KELLENE FEDDERSEN, CSR, RPR  
19                   ASSOCIATED COURT REPORTERS, INC.  
20                   714 West High Street  
21                   P. O. Box 1308  
22                   Jefferson City, Missouri 65109  
23                   (573) 636-7551

24                   and Notary Public within and for the State of  
25                   Missouri, commissioned in Cole County, in the  
  above-entitled cause, on the part of the Plaintiffs,  
  pursuant to Notice.

1

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EXHIBIT M

1 more than one facility? What was their physical  
2 responsibility?

3 A. They were assigned to Jefferson City  
4 Correctional Center.

5 Q. And that's the place where they reported to  
6 work every day that they were supposed to report to  
7 work?

8 A. Yes.

9 Q. Okay. Now, who are Rodney Perry and Mitch  
10 Seaman?

11 A. They're fire and safety specialists at the  
12 Jefferson City Correctional Center.

13 Q. Still there in that capacity?

14 A. Yes.

15 Q. And were both of them there in that capacity  
16 when Susan Nurnberg and Becky Hunt started in December  
17 of '97?

18 A. Yes.

19 Q. What is the job duty interface between the  
20 positions then occupied by Mr. Perry and Mr. Seaman  
21 and the employee health nurse positions into which  
22 Ms. Hunt and Ms. Nurnberg were hired?

23 A. Okay. The fire and safety specialists had  
24 been there for a long period of time, and part of what  
25 we had hoped to accomplish with the employee health

16

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1       nurse program was that we would reduce our workers'  
2       compensation costs. And the fire and safety guys are  
3       the ones that look at the accidents and incidents and  
4       have monthly meetings to determine what happened and  
5       how do we prevent this from reoccurring.

6           So the hope was that they would work  
7       together to look at what kind of incidents were  
8       occurring and how the fire and safety guys would  
9       impact it from the safety side and how the employee  
10      health nurses could impact it from the health side  
11      from the standpoint of health education, if it was an  
12      educational issue on how you better take care of  
13      yourself, or actually seeing the people post-accident  
14      prior to going out, because a lot of times if it was  
15      just a scratch or a nonrisky blood exposure, instead  
16      of sending somebody to the ER for a couple hundred  
17      dollars, you could see the employee health nurse at  
18      the work site.

19           She could put a band-aid on it, do  
20      counseling that this really isn't risky, and you'd  
21      save a couple hundred instead of sending somebody to  
22      an ER.

23           Q.     So there would be some meetings and some  
24      analyses of accidents and incidents is essentially one  
25      area where there would be overlap?

17

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Page 1 of 41 Pages 12

1                   IN THE UNITED STATES DISTRICT COURT  
 2                   WESTERN DISTRICT OF MISSOURI  
 3                   CENTRAL DIVISION  
 4                   REBECCA HUNT, et al..         )  
 5                   Plaintiffs,                   ) Case No. 99-4158-CV-C-5  
 6                   vs.                            )  
 7                   STATE OF MISSOURI, DEPARTMENT )  
 8                   OF CORRECTIONS, et al..        )  
 9                   Defendants.                  ) March 8, 2000  
 10    ) Jefferson City, MO

11   DEPOSITION OF DONALD V. CLINE,  
 12   a witness, sworn and examined on the 8th day of March,  
 13   2000, between the hours of 8:00 a.m. and 6:00 p.m. of  
 14   that day at the law offices of the Missouri Attorney  
 15   General, Broadway State Office Building, Seventh  
 16   Floor, in the City of Jefferson, County of Cole, State  
 17   of Missouri, before

18   PATRICIA A. DURBIN, RPR, CSR, CCR  
 19   Registered Merit Reporter  
 20   ASSOCIATED COURT REPORTERS, INC.  
 21   714 West High Street  
 22   P.O. BOX 1308  
 23   JEFFERSON CITY, MO 65102  
 24   (573) 636-7551

25   within and for the State of Missouri, in the  
 26   above-entitled cause, on the part of the Plaintiffs,  
 27   taken pursuant to agreement.

1   <sup>1</sup>  
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## A P P E A R A N C E S

## 3 FOR THE PLAINTIFFS:

4   MARTIN M. MEYERS  
 5   Attorney at Law  
 6   THE MEYERS LAW FIRM  
 7   1100 Main Street  
 8   Suite 2850  
 9   Kansas City, Missouri 64105-2112  
 10   (816) 421-4040

## 8 FOR THE DEFENDANTS:

9   SARA TROWER  
 10   Assistant Attorney General  
 11   MISSOURI ATTORNEY GENERAL'S OFFICE  
 12   P. O. Box 899  
 13   Jefferson City, Missouri 65102  
 14   (573) 751-3321

## EXHIBIT N

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1 1 Q. So you didn't really expect to receive an  
 2 2 explanation --  
 3 3 A. No.  
 4 4 Q. -- correct?  
 5 5 A. Blind and hesitating obedience to the man in  
 6 command.  
 7 7 Q. Okay.  
 8 8 Tell me about your job responsibilities back  
 9 9 in December of '97, the first half of '98 insofar as  
 10 physically how often you would be at your desk there  
 11 in the JCCC.  
 12 12 A. Oh. I'm there probably more than I'd like to  
 13 be. But I was -- I would probably say three or four  
 14 or five hours a day when I'm not going through the  
 15 institution.  
 16 16 Q. Right.  
 17 17 A. Or some other training or something else  
 18 assigned to.  
 19 19 Q. It sounds like you're estimating about half  
 20 20 of the time is spent at your desk --  
 21 21 A. Half of the time.  
 22 22 Q. -- and half of the time what they would say  
 23 23 in the field?  
 24 24 A. Uh-huh.  
 25 25 Q. Yes?  
 26 26 7  
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1 1 A. Yes. I would say that.  
 2 2 Q. All right. And is there any regular  
 3 schedule as to when you're usually at your desk and  
 4 when you're usually in the field?  
 5 5 A. Not really. It varies in terms of demand.  
 6 6 Q. What about Mr. Dormire back in that time  
 7 frame?  
 8 8 A. Probably his is about the same. Probably he  
 9 would be at his desk probably more than I would. But  
 10 I have to do audits and things of that nature.  
 11 11 Q. Now, what about the secretaries to the two  
 12 of you back then? Were they pretty much at their desk  
 13 throughout the day?  
 14 14 A. When they're not out smoking.  
 15 15 Q. You were nodding yes before you said when  
 16 they're not out smoking. Correct?  
 17 17 A. Yes.  
 18 18 Q. Theoretically they're at their desk  
 19 throughout the day --  
 20 20 A. Right.  
 21 21 Q. -- when they're not on break?  
 22 22 A. Right.  
 23 23 Q. At any point did you become aware of any  
 24 complaints that the nurses had about how their time  
 25 sheets were getting processed from the time you became  
 26 8  
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## NOTES

## NOTES

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1           IN THE UNITED STATES DISTRICT COURT  
2           WESTERN DISTRICT OF MISSOURI  
3           CENTRAL DIVISION

4           REBECCA HUNT, et al.,                         )  
5   )  
6   )  
7   )  
8   ) Case No. 99-4158-CV-C-5  
9   )  
10   )  
11   )  
12   )  
13   )  
14   ) February 4, 2000  
15   )  
16   ) Jefferson City, Mo.  
17   oOo  
18   )  
19   )  
20   )  
21   )  
22   )  
23   )  
24   )  
25   )

10   DEPOSITION OF MITCHELL SEAMAN,  
11   )a witness, produced, sworn and examined on the 4th day  
12   )of February, 2000, between the hours of 8:00 a.m. and  
13   )p.m. of that day at the offices of the Attorney  
14   )General, Broadway State Office Building, 7th Floor, in  
15   )the City of Jefferson, County of Cole, State of  
16   )Missouri, before  
17   )

18   KELLENE FEDDERSEN, CSR, RPR  
19   ASSOCIATED COURT REPORTERS, INC.  
20   714 West High Street  
   P. O. Box 1308  
   Jefferson City, Missouri 65109  
   (573) 636-7551  
21   )

22   and Notary Public within and for the State of  
23   Missouri, commissioned in Cole County, in the  
24   above-entitled cause, on the part of the Plaintiffs,  
25   pursuant to Notice.

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**EXHIBIT O**

1 answering yes to?

2 THE WITNESS: That there was personal  
3 discussion made in their office.

4 MS. TROWER: You talked to them about your  
5 personal stuff?

6 THE WITNESS: No. They talked to me  
7 about --

8 MS. TROWER: What did you mean when you  
9 answered vice versa?

10 THE WITNESS: That they were the ones that  
11 discussed their personal life.

12 MR. MEYERS: That's the way I understood it.

13 MS. TROWER: I just want to make sure it's  
14 clear on the record. It wasn't clear.

15 BY MR. MEYERS:

16 Q. Tell me about the discussion you're  
17 referring to.

18 A. It's just that every time that we would go  
19 up there they would be having some kind of problem  
20 with their personal life. I know Ms. Hunt was going  
21 through a divorce. Now, Ms. Hunt usually didn't talk,  
22 but Ms. Nurnberg told me that Ms. Hunt was going  
23 through a divorce, her husband wouldn't do anything  
24 for her, she had to mow the grass, she had to do the  
25 laundry, just general discussion.

1 because I was -- my inlaws kept me up late last night  
2 or something. There's a point having to do with their  
3 current situation where they share something that  
4 might technically be personal but it's not really some  
5 long, in-depth personal discussion.

6 Is it that kind of conversation you're  
7 talking about?

8 MS. TROWER: I'm going to object to the  
9 form. I think it's been asked and answered. You  
10 asked him what they said and he's told you the best he  
11 can recall.

12 You can answer.

13 THE WITNESS: Yes, sir, that's what I'm  
14 trying to say.

15 BY MR. MEYERS:

16 Q. As opposed to sitting down and having a  
17 longer conversation or sharing really personal  
18 intimate details?

19 MS. TROWER: Object as to form. You can  
20 answer.

21 THE WITNESS: Yes, sir.

22 BY MR. MEYERS:

23 Q. You never had that kind of discussion with  
24 either of them?

25 A. No, sir. To go back to your question about

1 Q. And this occurred on a number of occasions  
2 or is it just a single conversation you're recalling?

3 A. Numerous times.

4 Q. Each time with Ms. Nurnberg telling you  
5 something of a personal nature about Ms. Hunt?

6 A. Or about herself.

7 Q. Did Ms. Hunt ever share personal things  
8 about herself or about Ms. Nurnberg with you?

9 A. Yes, sir.

10 Q. What?

11 A. I don't know. Just personal every day talk,  
12 you know, a problem that she might have.

13 Q. But you can't remember anything specific  
14 today?

15 A. No.

16 Q. What personal things did Ms. Nurnberg tell  
17 you about her own life?

18 A. I can't remember per se, sir. It's been  
19 quite a long time ago.

20 Q. I'm trying to get a handle on the extent to  
21 which either of these ladies revealed personal things  
22 to you about their own life, and I want to give you a  
23 couple of examples, gives you an idea of what I'm  
24 talking about.

25 Sometimes people say, I'm having a bad day

1 Mrs. Nurnberg, I remember one particular day that she  
2 made the statement that, it seemed like, and I want to  
3 get it right, in words to the effect that there's so  
4 many men chasing them that they just didn't know what  
5 they were going to do, that they had so much work to  
6 do that they just didn't have time for it, words to  
7 that effect. I can't per se say that's -- and that's  
8 the kind of conversation I'm talking about, not  
9 lengthy discussions.

10 Q. I'm trying to figure out what you  
11 understood. You understood her to be saying that  
12 there were men trying to have some kind of a social  
13 relationship with them, but they were too busy with  
14 their work; is that what you understood?

15 MS. TROWER: Objection as to form.

16 THE WITNESS: I don't know what she meant by  
17 it, to tell you the truth. I just kind of ignored it.

18 BY MR. MEYERS:

19 Q. When she said there were men after her, she  
20 had a lot of work to do --

21 MS. TROWER: Objection as to form.

22 THE WITNESS: Like I said, I don't really  
23 understand what she meant by it. I just remember her  
24 saying that, and it was one of the hectic days or that  
25 she claimed was a hectic day.

1 BY MR. MEYERS:

2 Q. So she might have been referring to men in  
3 the prison who were making demands on her time  
4 job-wise?

5 MS. TROWER: Objection.

6 MR. MEYERS: Is that what you're saying?

7 MS. TROWER: Objection as to form. Assumes  
8 facts not in evidence. It's argumentative. It's been  
9 asked and answered.

10 THE WITNESS: Like I said, I don't know what  
11 she meant.

12 BY MR. MEYERS:

13 Q. And you didn't have an impression one way or  
14 the other as between those two or some other meaning,  
15 right?

16 MS. TROWER: Objection. It's been asked and  
17 answered.

18 BY MR. MEYERS:

19 Q. Right?

20 A. No, sir.

21 Q. No, sir, it's not right or yes, sir?

22 A. I didn't have an opinion on what she meant.

23 Q. Now, did you ever ask personal questions of  
24 either of the nurses either about themselves or the  
25 other?

1 Hunt about anything to do with her and a bathing suit  
2 or a swimming suit?

3 A. No, sir.

4 Q. Did you ever have any conversation with  
5 Becky Hunt or Susan Nurnberg where you made any  
6 reference to either one of their behinds, fannies.  
7 butts, using any other word that means the same thing?

8 A. No, sir.

9 Q. Did you ever have any conversation with  
10 either of the nurses where you or the nurse got upset  
11 with the other and raised your voice or they raised  
12 their voice?

13 A. Yes, sir.

14 Q. Are we talking about one occasion or more  
15 than one?

16 A. I can only remember one occasion, sir.

17 Q. Who were you having a discussion with?

18 A. Susan Nurnberg.

19 Q. About what?

20 A. About an investigation that she did of an  
21 accident.

22 Q. What had you learned that gave rise to that  
23 call or conversation?

24 A. That there was an investigation done about  
25 an incident that happened in a tower, and that

1 A. No, sir.

2 Q. Does your wife work at the facility?

3 A. Yes, sir.

4 Q. Where does she work?

5 A. She works in the records office.

6 Q. Where is that located?

7 A. Right across the -- it's on the second floor  
8 of the administration building.

9 Q. And where is that in relation to the health  
10 office?

11 A. Right across the hall. The employee health  
12 nurse is up the stairs and down the hall, and the  
13 records office is up the stairs and just to the right.

14 Q. So is it a situation where if you're  
15 standing in the door of the nurses' office and looking  
16 out, are you looking into the records office?

17 A. No, sir.

18 Q. It's down the hallway one way or the other?

19 A. Yes, sir.

20 Q. Did either of the nurses ever say anything  
21 to you or behave in a way that led you to believe they  
22 felt uncomfortable with your intruding on their  
23 physical space?

24 A. No, sir.

25 Q. Did you ever have any discussion with Becky

1 Ms. Nurnberg went out there to investigate it. I  
2 telephoned the nurses' office from my office and asked  
3 her why weren't we informed of the investigation, and  
4 she told me that she didn't know why we weren't  
5 informed.

6 And I stated, Well, professional common  
7 courtesy would have been to call us. Ms. Nurnberg  
8 raised her voice and told me she was ordered to do  
9 this. I asked her who ordered her. She stated  
10 Mr. Oetting. I asked her, why would Mr. Oetting ask  
11 her when that is our job. She continued to raise her  
12 voice, and then she hung the phone up on me.

13 Q. Did you raise your voice with her?

14 A. No, sir.

15 Q. Did you ever ask Mr. Oetting whether he did  
16 instruct her to do that?

17 A. No, sir.

18 Q. To this day, have you ever asked Mr. Oetting  
19 that?

20 A. No, sir.

21 Q. Do you know one way or the other, other than  
22 what Ms. Nurnberg told you, whether Mr. Oetting gave  
23 her those instructions?

24 A. I do not know. I've never asked. I think  
25 it was brought up in discussion at a -- over a general